

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 16731 of 1994

Between:

B. Kishan Rao S/o Rama Rao
H.No.177/2, Chilakalaguda, Secunderabad

..... PETITIONER

AND

- 1 Govt. of A.P. rep. by Secretary, Social Welfare (J2) Dept.
Secretariat, Hyderabad
- 2 The Joint Collector & Addl. District Magistrate
Medak Dist. at Sangareddy, Medak
- 3 The Commissioner of Tribal Welfare, A.P. Masab tank, Hyderabad
- 4 The General Manager South Central Railways,
Sec-Bad, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the order dt: 29-6-1994 made in Procs. No.D4/6412/94 of the 2nd respondent as highly illegal, arbitrary, unjust and violative of Principles of Natural Justice, if necessary after striking down G.O.Ms.No.282 Social Welfare (J2) Dept. dt: 19-12-1988 of the 1st respondent.

Counsel for the Petitioner: MR.D.V.NAGARJUNA BABU

Counsel for the Respondent No.1 to 3: GP FOR SOCIAL WELFARE

The Court made the following :

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ORDER:

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This Writ Petition is filed, questioning the order dated 29-6-1994 passed by the Joint Collector-Additional District Magistrate, Medak District, at Sangareddy, cancelling the cast certificate issued to the petitioner.

When the matter has come up for hearing, it is brought to my notice by the learned Counsel for the petitioner that after filing the Writ Petition, the Andhra Pradesh (SC, ST, & BCs) Regulation of Issue of Community Certificates Act, 1993 came into force and the said Act provides remedy of appeal to the Government under Section 7(2) of the Andhra Pradesh (SC, ST, & BCs) Regulation of Issue of Community Certificates Act, 1993. In view of the same and having regard to the factual dispute, the learned Counsel for the petitioner seeks to avail the said remedy of appeal, as provided under the Statute.

Inasmuch as the A.P. (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 came into force during the pendency of the Writ Petition and as it provides remedy of appeal, I dispose of the Writ Petition permitting the petitioner to question the orders of the Joint Collector by filing statutory appeal, within a period of six weeks from the date of receipt of this order. If such an appeal is filed, within the period as indicated above, the appellate authority shall entertain and dispose of the same in accordance with law. As much as, on filing this Writ Petition, this Court granted interim order in the year 1994 and the said order is continued all along, the impugned order dated 29-6-1994 shall stand suspended till disposal of the appeal by the appellate Authority. If the petitioner fails to file appeal within the time indicated above, the order stands vacated.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 16-12-2004

Msnr.

To

- 1 The Secretary, Social Welfare (J2) Dept.
Secretariat, Hyderabad
- 2 The Joint Collector & Addl. District Magistrate
Medak Dist. at Sangareddy, Medak
- 3 The Commissioner of Tribal Welfare, A.P. Masab tank, Hyderabad
- 4 The General Manager South Central Railways,
Sec-Bad, Hyderabad
5. Two CCs to GP for Social Welfare, High Court Buildings, High Court of
A.P.Hyderabad(OUT)
6. Two CD copies.